

California Department of Fair Employment & Housing Employment Bulletin

Date: December 31, 2003

Attn: California Employers and Employees

Subject: California Employment Development Department (EDD)
Family Temporary Disability Insurance Program (Paid Family Leave
Insurance Program)

Effective July 1, 2004, California workers may be able to take up to six (6) weeks of paid leave per year for the purpose of bonding with a new child by birth, adoption, or foster-care placement. Last year, legislation established the Family Temporary Disability Insurance (FTDI) program, officially known as the "Paid Family Leave (PFL)" insurance program, the first of its kind in the United States. The PFL program makes paid leave equally available to mothers and fathers. The program also provides paid leave for the care of a seriously ill child, spouse, domestic partner, or parent. The paid-leave insurance program applies to all employees who are covered by the State Disability Insurance (SDI) program. Under the new law, compensation for covered leave will be funded by employee contributions, which will be deposited into the Disability Fund and administered by California's State Disability Insurance Program.

The statute specifically provides PFL leave must be taken concurrently with leave under the federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). Attached is a comparison chart of the CFRA/FMLA (enforced by DFEH) and PFL for informational purposes only.

The Employment Development Department administers the Paid Family Leave program. Please contact EDD at **(877) BE-THERE** for details on the program or visit their Web site at www.edd.ca.gov

For more information on CFRA, please visit the "Statutes, Laws and FEHC Decisions" section on the DFEH Web site at www.dfeh.ca.gov and click on "California Family Rights Act". To download and print the DFEH CFRA Fact Sheet, from the DFEH Home Page, click on "Publications", click on "Employment Discrimination", and then scroll down to "CFRA DFEH-188". You may also call our toll-free statewide telephone number **(800) 884-1694**.

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Comparison of Major Distinctions in the California Family Rights Act / Family Medical Leave Act and Paid Family Leave (PFL) also known as Family Temporary Disability Insurance (FTDI)

	California Family Rights Act (CFRA) / Family Medical Leave Act (FMLA)	Paid Family Leave (PFL) or Family Temporary Disability Insurance (FTDI)
Covered Employer	50 or more employees within a 75 mile radius	One or more employees, subject to SDI
Eligible Employee	Must have worked for employer 12 months, and 1,250 hours in last 12-month period.	There is no set number of hours worked required of employee; must contribute to SDI; waiting period of 7 days during which no benefits are available.
Amount of Leave / Paid Time Off	12 weeks in a 12-month period (usually unpaid)	6 weeks in a 12-month period (paid)
Reason for Leave / Paid Time Off	Birth of employee's own child, placement of child with employee for adoption or foster-care, or employee's own serious health condition or serious health condition of child, parent or spouse of employee.	To bond with employee's own child or employee's domestic partner's child; or a child placed for adoption or foster-care with employee or employee's domestic partner; seriously ill child, parent, spouse or domestic partner of employee.
Medical Certification Requirement	Employee must notify employer within 30 days, or reasonable time under the circumstances, of need for CFRA leave; employer may require medical certification.	Employee must file claim with EDD, including certification from family member's medical doctor.
Leave Usage	For the birth of employee's own child, placement of child with employee for adoption or foster-care, or serious health condition of child, parent or spouse of employee, an employer may require employee to use vacation leave or other paid leave credit. For the employee's own serious health condition, the employer may require the employee (or the employee may elect) to use sick leave.	PFL must be taken concurrently with leave taken under FMLA and CFRA. Employer may require employee to take up to two (2) weeks earned, but unused, vacation prior to the employee's initial receipt of PFL benefits. If employee has less than one week of unused vacation, that leave shall be applied to the waiting period.
Employee Reinstatement Rights	Employer must guarantee employee reinstatement to same or comparable position following CFRA leave.	Employer not required to hold job for employee on PFL; however, if employee is taking CFRA leave concurrently with PFL, employee has reinstatement rights under CFRA / FMLA.
Relationship to Current Leave Laws	Unless employee is disabled by pregnancy, CFRA / FMLA run concurrently.	For eligible employees, PFL runs concurrently with CFRA / FMLA.

Note: This chart is for informational purposes only.

- For more information about CFRA, visit the DFEH Web site or contact our Communications Center toll free at **1-800-884-1684**.
- For questions about PFL, visit the Employment Development Department's Web site at www.edd.ca.gov or call **1-877-BE-THERE**.